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Docket No. 2001-0506

REMARKS

Claims 1-36 stand rejected as unpatentable over Bertocci, Tam or Begeja or different cited combinations thereof.

Various claims have been canceled, other claims have been amended and other claims are in their original form.

It is respectfully submitted that each of the claims remaining in the application distinguishes the invention from the cited prior art, considered singly or in combination, as will now be discussed.

CLAIMS 1, 11, 12 and 33—CALL FORWARDING FOR THE *WIRED* TELEPHONE

Claims 1 and 33: Each of independent claims 1 and 33 recites a particular feature of applicants' invention that is not shown nor rendered obvious by the cited prior art. That distinguishing feature relates to the forwarding of calls to the wired telephone.

Specifically, independent claims 1 and 33 each recite that the act of removing the mobile telephone from the cradle causes ~~calls~~ incoming wired line telephone calls to be forwarded to the mobile telephone and that returning the mobile telephone to the cradle de-activates that call forwarding. This feature was present in claims 1 and 33 in the form presented prior to this amendment. Accordingly, the rejection of those claims is respectfully traversed.

Claims 1 and 33 were rejected as unpatentable over Begeja in view of Bertocci. Begeja discloses that a mobile subscriber can access the wired telephone network from his/her wireless telephone and thereby cause calls directed to a wired phone number to be forwarded to the mobile phone. Bertocci discloses a cellular (mobile) phone charger that activates and deactivates call forwarding of calls made to the cellular telephone. Bertocci says nothing about the activating/deactivating of call forwarding relative to calls made to the wired telephone. However, the Office action concludes that it would be obvious to combine the teachings of these references such that instead of the caller in Begeja activating/deactivating the call forwarding, a CPE cradle such as taught by Bertocci can do so.

Applicants will assume for purposes of argument that the Bertocci cradle could be modified so that it could automatically activate/deactivate call forwarding for the wired telephone. However, the question is whether it would have been obvious to the

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person skilled in the art to do so. On that question, it is respectfully submitted that there is no teaching in the cited prior art that would suggest the desirability of automatically activating call forwarding for calls to the wired telephone.

It is tempting in hindsight to apply “symmetry” type of reasoning—an argument that says that since it is known to automatically forward mobile calls to the wired phone using the Bertocci cradle, it would be obvious to do the reverse. It is respectfully submitted, however, that any such argument would only be made by hindsight, given the benefit of the teachings of applicants’ invention. As far as any automatic control of call forwarding is concerned, the cited prior art focuses on mobile technology and how to automatically deal with calls made to the mobile telephone. It remained for applicants to recognize that while considering desirable features to be implemented relative to mobile telephone service, one can also improve wired telephone service by having call forwarding automatically activated from calls made to the *wired* telephone simply by the subscriber picking his/her mobile phone up out of the cradle and walking out the door.

It is thus submitted that claims 1 and 33, and thus their dependent claims 2-6 and 34-35, all distinguish the invention from the prior art and are in condition for allowance.

Claims 11 and 12: Independent claim 11¹ and claim 12 were rejected based on the teaching of Tam’s cradle in combination with Bertocci.

In contrast to method claims 1 and 33, claims 11 and 12 are apparatus claims directed to the CPE cradle. Like claims 1 and 33, however, claim 11 incorporates limitations directed to the activation of call forwarding for the wired telephone upon the mobile phone being removed from the cradle. And like claims 1 and 33, claim 12 incorporates limitations directed to the deactivation of call forwarding for the wired telephone upon the mobile phone being inserted (or placed) into the cradle.

It is respectfully submitted that even if it were obvious to combine Tam’s cradle with the teachings of Bertocci, the resulting combination would not anticipate claims 11 and 12. The resulting combination would be one in which, as the Office action points out, the cradle activates call forwarding for incoming *mobile* calls.

However, as already noted, claims 11 and 12 are not directed to activating/deactivating call forwarding for incoming calls to the *mobile* phone (as in Bertocci) but for incoming calls to the *wired* phone.

¹ When rejected, claim 11 was in dependent form but has now been rewritten in independent form.

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Moreover, for the reasons pointed out above, the teachings of Begeja would not provide any obvious basis for modifying Tam and/or Tam taken in combination with Bertocci in such a way as to anticipate claims 11 and 12.

It is thus submitted that claims 11 and 12, and thus their dependent claims 13-14, and 17-32, all distinguish the invention from the prior art and are in condition for allowance.

CLAIMS 4, 13, 14—THE SYNERGISTIC COMBINATION

In applicants' disclosed embodiment, there is synergistic combination that would certainly not have been obvious to the person of ordinary skill in the art. The synergy is the fact that the single act of removing the mobile phone from the cradle does two things, one relative to call forwarding for the *wired* telephone and the other relative to call forwarding for the *mobile* telephone. In particular, when the mobile phone is removed, applicants' method (or cradle)

- 1) *activates* call forwarding for the *wired* telephone, and
- 2) *deactivates* call forwarding for the *mobile* telephone.

The synergy is also present when the mobile phone is placed *in* the cradle. In particular, applicants' method (or cradle)

- 3) *activates* call forwarding for the *mobile* telephone, and
- 4) *deactivates* call forwarding for the *wired* telephone.

This is a synergistic combination of actions that would certainly not have been obvious to the person of ordinary skill absent applicants' teachings. This, then, provides an even further basis for the allowance of dependent claim 13, which encompasses 1) through 3) listed above, and claims 4 and 14, which encompasses 1) through 4).

It is thus submitted that claims 4, 13 and 14, and thus dependent claims 5-6 and 22-25, even further distinguish the invention from the prior art and, again, are in condition for allowance.

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OTHER CLAIMS

Other dependent claims in the application not already mentioned hereinabove are submitted to be allowable at least for the reason that they incorporate the limitations of one or more of the independent or dependent claims already discussed.

OTHER AMENDMENTS

Various amendments not directly touching upon the above-discussed aspects of the invention have been made to various claims in order to more particularly define that which applicants regard as their invention as defined in those claims, to correct minor errors and/or to improve the claims' form generally.

In particular, the word "home" appearing in various claims has been deleted as unnecessary. The invention involves wired telephones generally, whether the premises happen to be a "home" or not.

In addition, the "removing" and "placing" in claims 2, 3, 5 and 6, respectively, and the "querying" in claims 5 and 6 have been deleted as unnecessary to define the subject matter sought to be encompassed by those claims.

Reference to "the steps of" has been deleted from the method claims as unnecessary.

Other minor changes have been made to more clearly and particularly define that which applicants regard as the invention.

Certain dependent claims have been amended so as to not depend from claims that have been canceled.

NO NEW SEARCH REQUIRED

Although numerous amendments have been made to various claims, the subject matter of the claims that are in independent form—claims 1, 11 and 33—has not been changed. Those particular claims have been amended only in minor aspects—to remove the word "home" and/or to remove the phrase "the steps of." Such amendments would not trigger the need to conduct a further prior art search, should the examiner find that she agrees with the remarks made herein. Indeed, if the examiner concurs in the remarks

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made herein relative to independent claims 1, 11 and 33, all of the claims in the application would be allowable.

Accordingly, it is respectfully requested that if further new art is cited in any further Office action, that that action not be made FINAL.

Reconsideration is requested.

Respectfully submitted,

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